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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/171,671	05/01/2000	Martin Quibell	179-28	8322

23117 7590 07/08/2005

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EXAMINER

WESSENDORF, TERESA D

ART UNIT	PAPER NUMBER
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1639

DATE MAILED: 07/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

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13

DATE MAILED:

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Commissioner for Patents

See attached.

T.D. [Signature]
T. D. Wessendorf
Primary Examiner
Art Unit: 1639

5-0-0

Art Unit: 1639

DETAILED ACTION***Election/Restrictions***

The reply filed on 4/22/05 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): the election of species is improper. Applicants elect under A). natural amino acids for the combinatorially variable part of the sequence. Applicants further elect natural tetramers as the amino acid residues, which are combinatorially varied. Applicants state that the formula AaBbCcDd(Ee)FG presupposes that there may be a FRET pair A and F (quencher), each of which may be a modified (i.e., non-natural) amino acid (e.g., Abz and TyrNO₂). The formula further includes G, a typically polar, invariant amino acid (e.g., Asp) which many libraries will also have to improve solubility. In other words, while there are only four residues being combinatorially probed through the library, each compound could have at least seven residues in total (of which the FRET pair cannot be natural amino acids as elected in A). Thus, with applicants' presuppose statement, the election is not drawn only to natural amino acids or to a tetramer but a longer chain and non-natural containing tetramers. Clarification/correction of the election is required. Furthermore, for a proper election of species, the species of the tetramers (i.e., primary structure) is required. Also, the

different variations i.e., amino acids for each of the positions of the tetramers. [The present claims is unsearchable as to the tetramers of general formula A-E which contains all various variations therein, not to mention moieties outside the tetramers, as stated above.] See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to T. D. Wessendorf whose telephone number is (571)272-0812. The examiner can normally be reached on Flexitime.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Wang can be reached on (571)272-0811. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Art Unit: 1639

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

T. D. Wessendorf
Primary Examiner
Art Unit 1639

tdw

June 30, 2005